

RESOLUTION NO. 25236

A RESOLUTION AUTHORIZING JAMES AND JUDITH SUTHERLAND TO USE TEMPORARILY AN UNOPENED RIGHT-OF-WAY LOCATED ON THE NORTH LINE OF AN UNOPENED PORTION OF THE 1800 BLOCK OF OLD SAND PIT ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO JOIN PROPERTY, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That James and Judith Sutherland (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily an unopened right-of-way located on the north line of an unopened portion of the 1800 block of Old Sand Pit Road, more particularly described below and as shown on the drawings attached hereto and made a part hereof by reference, to join property.

An unopened alley beginning at the southwest corner of Lot 2, Corrective Plat of Lot 2, Resubdivision T. P. Davis' Subdivision of St. Elmo, Tennessee, Plat Book 50, Page 263, ROHC, thence northeast some 190 feet to the northwest corner of said Lot. Said alley separates Lot 2 from Lots 7 thru 9, of the T. P. Davis Subdivision, Plat Book 5, Page 56, ROHC. Tax Map 167P-C-022, 026, and 028.01.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following additional conditions:

1. Temporary User shall execute the Indemnification Agreement attached hereto in favor of the City of Chattanooga, its officers, agents and employees for any and all claims for damages for injuries to persons or property related to or arising out of the temporary usage.
2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED: September 4, 2007 ,

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and JAMES AND JUDITH SUTHERLAND (hereinafter "Temporary User"), this 4th day of September, 2007.

For and in consideration of the granting of the temporary usage of an unopened right-of-way located on the north line of an unopened portion of the 1800 block of Old Sand Pit Road, more particularly described below and as shown on the drawings attached hereto and made a part hereof by reference.

An unopened alley beginning at the southwest corner of Lot 2, Corrective Plat of Lot 2, Resubdivision T. P. Davis' Subdivision of St. Elmo, Tennessee, Plat Book 50, Page 263, ROHC, thence northeast some 190 feet to the northwest corner of said Lot. Said alley separates Lot 2 from Lots 7 thru 9, of the T. P. Davis Subdivision, Plat Book 5, Page 56, ROHC. Tax Map 167P-C-022, 026, and 028.01.

to join property, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

1. Temporary User will defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.
2. Temporary User will vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User will restore the property to its original condition when it is returned to the City.
3. Temporary User will provide adequate access for maintenance of any utilities located within the easement.

JAMES OR JUDITH SUTHERLAND

_____, 2007
Date

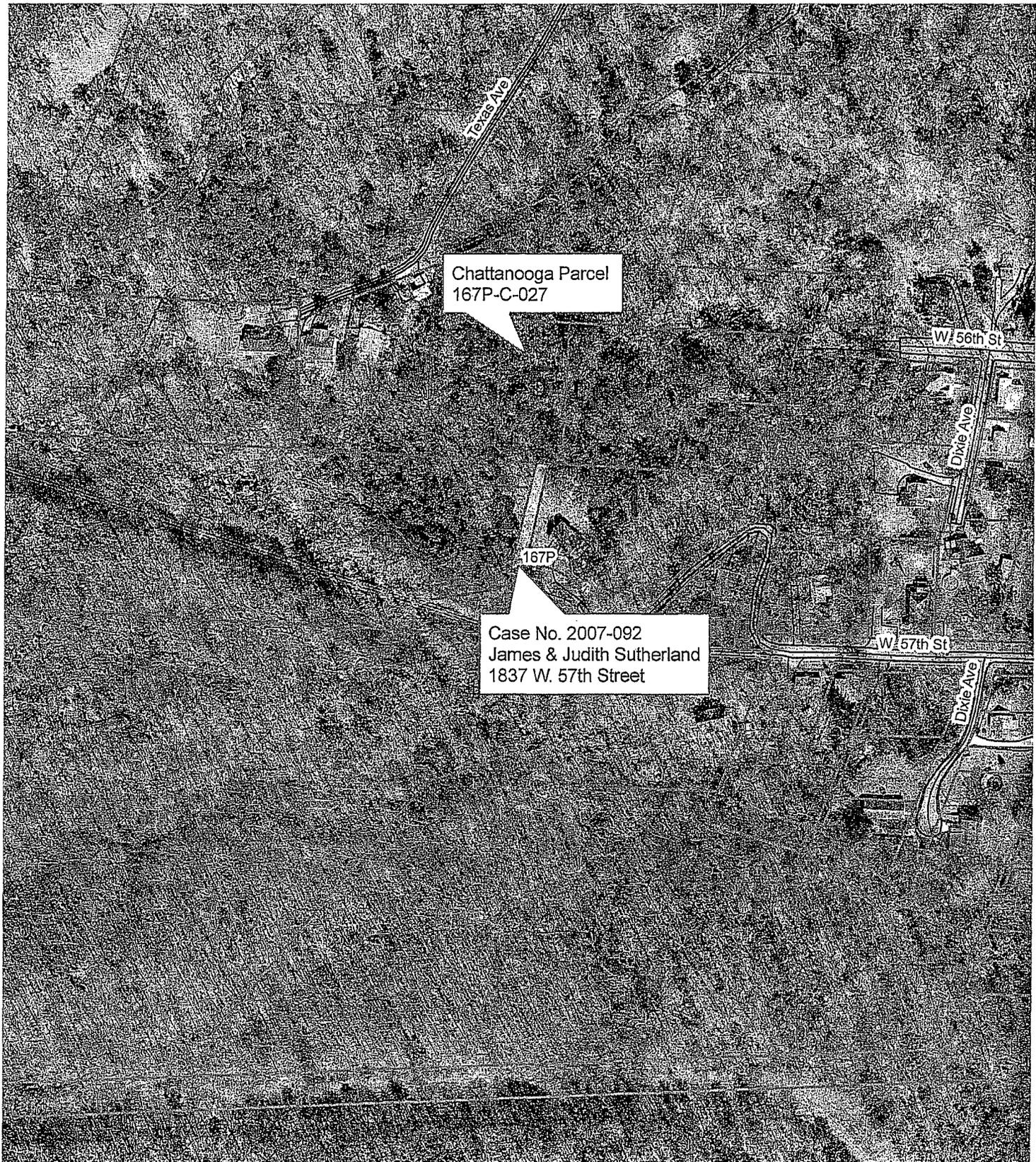
CITY OF CHATTANOOGA, TENNESSEE

Sept 8, 2007
Date

BY: _____

Ron Littlefield, Mayor

/add



Chattanooga Parcel
167P-C-027

167P

Case No. 2007-092
James & Judith Sutherland
1837 W. 57th Street